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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,879	03/27/2000	JOHN J. HASWELL	ANDIP550	3371

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EXAMINER

ZIEMER, RITA A

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,879

Applicant(s)

HASWELL ET AL.

Examiner

Rita A Ziemer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 22,27 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5-7, 9, 11-13, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Testardi, U.S. Patent No. 6,249,882.

As per claims 1, 7 and 13, Testardi teaches receiving script data, (column 5 lines 39-65) creating reports based on the received script data, (column 5 lines 58-61 and column 10 lines 45-61) translating the received script data into automation code, (column 10 lines 4-31) and providing automated testing utilizing the automation code. (Column 10 lines 32-44)

As per claims 3, 9 and 15, Testardi teaches that the received script data is translated into automation code using source code embedded table values. (Column 11 line 5 - column 12 line 8 and column 21 line 40 - column 23 line 41)

As per claims 5, 11 and 17, Testardi teaches that the data may reside on a remote server. (Column 5 lines 50-65)

As per claims 6, 12 and 18, Testardi teaches that the remote server is accessed utilizing a network. (Column 5 lines 50-65)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 20, 23-25, 28-30 and 33. are rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi, U.S. Patent No. 6,249,882 in view of Silva et al., U.S. Patent No. 6,014,760.

As per claims 19, 24, and 29, Testardi teaches automated testing using an automation testing tool including receiving a word having a commonly understood meaning, (column 5 lines 39-65 and column 10 lines 4-15) querying a table for the word, the table containing a plurality of words, each word having associated with it a set of one or more computer instructions which cause the computer to perform a function that is related to the commonly understood meaning of the word when executed, (column 11 line 5 - column 12 line 8 and column 21 line 40 - column 23 line 41) retrieving the

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instruction set corresponding to the word from the database, (column 10 lines 4-31) and performing the function related to the commonly understood meaning of the word using the automated testing tool. (Column 10 lines 32-44) Testardi does not teach that the table is a database. Silva teaches using a database to look up words and generate automated tests. (Column 2 lines 30-43) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Testardi to store the components in a database as taught by Silva because, efficient management of resources calls for tests and test results to be recorded in order to be used repeatedly if needed and so the results can be analyzed and compared with results of tests performed at a later time. (Silva, column 1 lines 25-35) Silva shows that a database or library is one way to provide the desired information. (Column 2 lines 30-43) This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claims 20, 25 and 30, Testardi teaches that the word is from the English language. (Column 5 lines 58-61) Testardi indicates that it is program source code which is defined as "human-readable program segments written in a high-level or assembly language that are not directly readable by a computer" by the Microsoft Press Computer Dictionary 3rd Edition. English is a high-level language not directly readable by the computer and is the language shown in Testardi's sample tables shown in columns 21-23.

As per claims 23, 28 and 33, Testardi teaches that the steps of receiving, querying, retrieving and performing are carried out with respect to a plurality of words. (Column 6 lines 13-15 and column 10 lines 4-15)

4. Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi, U.S. Patent No. 6,249,882 as applied to claims 1, 7 and 13 above.

As per claims 2, 8 and 14, Testardi does not teach that the reports are created as hard copies. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Testardi to provide the reports as hard copies because, Testardi does not specifically state in which format the reports are provided to the user and the two general formats are to display the information on a monitor or to print a hard copy. Testardi would therefore be likely to provide the information using one or both of these methods. One of ordinary skill in the art would be motivated to allow Testardi to provide hard copy reports for the reasons stated above.

5. Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi, U.S. Patent No. 6,249,882 as applied to claims 1, 7 and 13 above, and further in view of Silva et al., U.S. Patent No. 6,014,760.

As per claims 4, 10 and 16, Testardi does not teach that the script data is divided into a plurality of components stored in a database. Silva teaches that the script data is divided into a plurality of components stored in a database. (Column 13 line 28 - column 15 line 52) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Testardi to store the components in a database

as taught by Silva because, efficient management of resources calls for tests and test results to be recorded in order to be used repeatedly if needed and so the results can be analyzed and compared with results of tests performed at a later time. (Silva, column 1 lines 25-35) Silva shows that a database or library is one way to provide the desired information. (Column 2 lines 30-43) This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

6. Claims 21, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Testardi, U.S. Patent No. 6,249,882 in view of Silva et al., U.S. Patent No. 6,014,760 as applied to claim 19 above, and further in view of Harel., U.S. Patent No. 6,064,381.

As per claims 21, 26 and 31, Testardi does not teach that the automation testing tool is software developed by MERCURY INTERACTIVE commonly known as WINRUNNER. Harel teaches using the automation testing tool is software developed by MERCURY INTERACTIVE commonly known as WINRUNNER. (Column 14 line 65 - column 15 line 10) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Testardi to use WINRUNNER to generate the automated test code. Harel teaches that WINRUNNER is a conventional automation testing tool. (Column 14 line 65 - column 15 line 10) Having an existing automated test code generator would reduce the new code required to run and automated testing system. This would have been obvious because Testardi and Silva and Harel teach automated testing systems. Accordingly, one of ordinary skill in the art would have

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recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

Allowable Subject Matter

7. Claims 22, 27 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claims 22, 27, and 32, prior art was not found presenting the instruction set to a user in human-readable form.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Ziemer, whose telephone number is (703) 308-7090. The examiner can normally be reached on Monday - Thursday and alternating Fridays from 7:30 a.m. to 4:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Robert W. Beausoliel, Jr., can be reached at (703) 305-9713. Additionally, the fax numbers for Art Unit 2184 are as follows:

After-final (703) 746-7238
Official (703) 746-7239
Non-Official/Draft (703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

Rita Ziemer
12/9/02


Robert W. Beausoliel, Jr.
Supervisory Patent Examiner
Art Unit 2184